

REMARKS

The above-identified application is United States application serial number 10/668,888 filed on September 22, 2003. Claims 1-7, 11-19, and 21-27 are pending in the application. Claims 8-10 and 20 are canceled.

Claim Rejections - 35 U.S.C. 101

Claims 4-10 and 13 are rejected under 35 U.S.C. 101 because the claims are not directed to statutory subject matter. In response, the Manual of Patent Examining Procedure (MPEP) Section 2106.01(I) states:

"Computer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim. The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program. Only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material *per se* and hence nonstatutory."

Since the computer executable instructions in claims 1, 4-7 and 13 are claimed as part of an otherwise statutory system, no amendment is believed to be necessary to overcome this rejection.

Canceled Claims

Claims 8-10 and 20 are canceled without prejudice to expedite prosecution.

CONCLUSION

Applicants believe the application is in form for allowance and a notice to that effect is solicited. In the event it would facilitate prosecution of this application, the Examiner is invited to telephone the undersigned at (949) 350-7301.

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I hereby certify that this correspondence is being electronically transmitted to the USPTO on the date shown below:

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September 2, 2008
(Date)

Respectfully submitted,

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